

• CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB-8 -19
Application Number 399-18

ELY NUNEZ

Resolution granting Use Variance and Bulk Variance Approval

Block 135, Lot 15
300 Cedar Street
City of South Amboy
RA Zone

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance, the within application has been submitted to the City of South Amboy Planning Board (the "Board") by Hutt & Shimanowitz, P.C. (Bryan Plocker, Esq., Appearing) on behalf of Ely Nunez (the "Applicant") for Use Variance and Bulk Variance approval, in Block 135, Lot 15 on the Tax Map of the City of South Amboy in the RA Zone; and located at 300 Cedar Street.

WHEREAS, the application reviewed by the Board consisted of those plans and documents as identified in the report prepared by Jason C. Valetutto, P.E., P.P. the consultant to the Planning Board dated February 14, 2019, and

WHEREAS, the application was certified as complete and a public hearing with respect to the Application was held by the Board on February 27, 2019 as per public notice and personal notice pursuant to NJSA 40:55D-12; and

WHEREAS, as part of the application and based upon the plans submitted and reviewed by the consultant to the Planning Board, the Applicant required a Use Variance and Bulk Variances from the zoning requirements as set forth in the ordinance;

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Use Variances		
Permitted Use RA Zone	Single family	Three family
Maximum Units/Acre	8.71units/acre	26.14 units/acre
Maximum Units/Building	1 unit	3 units
Bulk Variances		
Minimum Lot Area	subsumed within use	5,000sf.
Minimum Lot Width	subsumed within use	50 ft.
Minimum Front Yard Setback	25ft	1.8 ft. Cedar Street. 0.5 ft. Center Street
Maximum Lot Coverage	25%	43.7%
Maximum Impervious Coverage	60%	74.46%
Maximum Distance Between		

Buildings	10 ft.	4.5 ft.
Minimum Floor Area Per Dwelling Unit	1,000 sf	764 sf Unit A
Minimum Floor Area Per Dwelling Unit	1,000 sf	980 sf Unit B
Building Height	2 ½ stories	3 stories
Minimum Off-Street Parking	5 spaces	2 spaces

WHEREAS, at the public hearing, the following reports were entered into the record:

<u>Description of Report</u>	<u>Date of Report</u>
Planning Report AJV Engineering, Inc.	February 14, 2019

WHEREAS, The Board, after carefully considering the evidence presented to it by or on behalf of the Applicant, and upon the advice and recommendations of the advisory municipal personnel, and consultants (including, without limitation, those set forth in the aforesaid Planning Report), makes the following findings of facts:

FINDINGS OF FACT

The Applicant was represented by Bryan Plocker, Esq.,

1. Mr. Plocker acknowledged receipt of the AJV Engineering, Inc. planning report of February 14, 2019.
2. Mr. Plocker introduced Ely Nunez the Applicant,
3. Mr. Nunez testified as follows:
 - a. He is the son of the owner of the premises, and authorized to pursue the application.
 - b. The house is approximately 100 years old.
 - c. The house was renovated in 2015 and the family moved in 2017.
 - d. There were three units: a front unit with two bedrooms, a rear unit with one bedroom, and a second floor unit with three bedrooms.
 - e. In February 2018 the house was damaged by fire.
 - f. He commenced reconstruction but stopped as to the third floor and

instead filed the current application.

- g. It is intended that the three families continue to occupy the house.
4. Mr. Plocker introduced David Dugász, AIA, NCARB as a Licensed Professional Architect in the State of New Jersey who provided his qualifications and was accepted by the Board as a professional architect.
5. Mr. Dugász testified as follows:
 - a. The existing structure is a two and one-half story building. It does have an unfinished attic.
 - b. He described the existing layout of the building with bedrooms, kitchen, bathrooms, etc.
 - c. The Applicant proposed to move bedrooms upstairs to create larger spaces and more user friendly and to rework the bedrooms on the second floor.
 - d. With respect to the footprint of the building, the Applicant is proposing removing the Bilco door and providing a dormer type entry into the basement.
 - e. The only other change to the exterior footprint is a staircase coming down off the rear deck.
 - f. Proposed roof dormers will be constructed within the footprint of the home, not to exceed the existing roof peak, for purposes of creating the third floor.
 - g. On behalf of the Applicant it was agreed that all recommendations from the Board Planner and contained in the Planning Report were accepted.
 - h. The existing height of the house is not changing with new construction.
6. Mr. Plocker then had a discussion with the Board relating to an existing encroachment of the exterior stairs onto City property on both Cedar Street and Center Street. As to that issue, there was an understanding that Applicant would apply to the Mayor and Council for an easement.
7. Mr. Plocker introduced John McDonough, LA, PP, AICP as a Licensed Professional Planner in the State of New Jersey who provided his qualifications

and was accepted by the Board as a Professional Planner.

8. Mr. McDonough testified as follows:

- a. A-1 was marked as an exhibit reflecting the level of planning in the area of the premises.
 - b. The premises are identified on the tax records as a 3 family house.
 - c. The variances listed by the Board Planner are all related to existing conditions with the following exceptions: one new variance created due to number of stories and one expansion of a pre-existing lot coverage variance.
 - d. The shell of the building is being maintained.
 - e. There are three units now and three units proposed.
 - f. One new variance is coverage caused by elimination of the Bilco door.
 - g. The proposal by applicant creates a better living environment, and more comfortable space.
 - h. On the outside, there is a nice sense of stonework, upgrades on the façade new windows and the like.
 - i. In connection with the proofs for a D-2 variance, this is an alteration of a pre-existing non-conforming use.
 - j. The use is there and belongs there and is permitted to continue.
 - k. The proposed changes provide a healthier livable community which is a very basic planning goal.
 - l. The proposal will improve what is there and represents a technical expansion of a non-conforming use.
 - m. The benefits are promotion of general welfare, promotion of desirable visual environment, a variety of uses in appropriate locations, and efficient use of land.
7. Applicant's case having been completed, upon motion made, seconded and approved, the matter was opened to the public.
8. No one requested an opportunity to speak.